

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

99.6594

**MECHANICAL CONTRACTORS
ASSOCIATION OF MEMPHIS, INC. and
WHITE PLUMBING & MECHANICAL
CONTRACTORS, INC.**

Plaintiffs,

VS

NO. 2:19-cv-02047

**SHELBY COUNTY, TENNESSEE,
CAROLYN S. WATKINS and VAN D.
TURNER, JR.**

Defendants.

**PLAINTIFFS' UNOPPOSED MOTION TO AMEND SCHEDULING ORDER
AND REQUEST STATUS CONFERENCE**

The Plaintiffs file this unopposed Motion asking the Court to amend the current Scheduling Order and to schedule a Status Conference. The basis for the Joint Motion is as follows:

1. On April 17, 2020, this Court entered an Order granting a Joint Motion to Extend Certain Scheduling Deadlines. The Order entered extended the discovery deadline to August 1, 2020, and the dispositive motion deadline to September 1, 2020.

2. The Court's previous Order entered January 3, 2020, set a deadline for filing motions to exclude experts/Daubert motions to July 1, 2020.

3. The Plaintiffs come before the Court asking the Court to extend the current discovery deadline from August 1, 2020 to September 1, 2020, and to extend the current dispositive

motion deadline from September 1, 2020 to October 1, 2020, and to extend the deadline for filing Motions to exclude experts/Daubert motions from July 1, 2020 to September 1, 2020. The Plaintiffs would show to the Court that the request is based upon the delay in obtaining the Mason Tillman documents as previously reported to this Court.

4. As of the time of filing this motion, Mason Tillman has ignored the United States District Court of Northern California's second Order Granting Motion to Compel. The United States District Court for the Northern District of California sitting in San Francisco entered a second Order Granting the Second Motion to Compel filed by MCA. Attached as Exhibit 1 is a copy of the Court's Order Granting the Second Motion to Compel.

5. In the Court's second Order, Mason Tillman was ordered to "immediately" turn over all electronic data in their possession and to set up a Scheduling Order for the production of hard documents that Mason Tillman contended they could not access due to COVID-19 restrictions.

6. At the time of this motion being filed, Mason Tillman has made no effort to comply with the Court Order to turn over documents. The failure of Mason Tillman to comply with the Court Orders compelling production of documents has significantly constrained the Plaintiffs' ability to complete discovery.

7. It is essential that the Plaintiffs know whether or not documentation does in fact exist to support Mason Tillman's study, or if it in fact, does not exist. This information is necessary in order that discovery can be concluded, that George La Noue can finalize his report and be deposed, and so that the deposition of Mason Tillman's representative, Eleanor Ramsey, can also

be deposed. Until such time as this information has been provided or determined not to exist, the parties are at a standstill for completing discovery.

8. The Plaintiffs would show to the Court that all other aspects of the case involving discovery/settlement negotiations have been proceeding with full cooperation from both sides.

9. The Plaintiffs would further show to the Court that due to the deliberate delay caused by Mason Tillman, and the restrictions from the COVID-19 pandemic, the discovery has been interrupted and delayed through no fault of the Plaintiffs.

WHEREFORE, based upon the foregoing, the Plaintiffs ask the Court to amend the current Scheduling Order and to set the new deadline for discovery, September 1, 2020; the dispositive motion deadline as well as the deadline for filings motions to exclude experts/Daubert motions for October 1, 2020; and to schedule a Status Conference at the Court's convenience. The Plaintiffs are not asking to alter any other current deadlines.

Respectfully submitted,

**McNABB, BRAGORGOS,
BURGESS & SORIN, PLLC**

s/Nicholas E. Bragorgos
NICHOLAS E. BRAGORGOS #12000
JOHN BARRY BURGESS #07255
Attorneys for Plaintiffs, Mechanical Contractors
of Memphis, Inc. and White Plumbing &
Mechanical Contractors, Inc.
81 Monroe, Sixth Floor
Memphis, Tennessee 38103
Telephone: (901) 624-0640
Fax: (901) 624-0650
bburgess@mbbslaw.com
nbragorgos@mbbslaw.com